

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of )  
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Implementation of Section 255 of the )  
Telecommunications Act of 1996: )  
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Access to Telecommunications Services, )  
Telecommunications Equipment, and )  
Customer Premises Equipment )  
By Persons With Disabilities )

WT Docket No. 96-198

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**NYNEX COMMENTS**

**I. INTRODUCTION**

The NYNEX Telephone Companies<sup>1</sup> ("NYNEX") submit these Comments in response to the Commission's Notice of Inquiry ("NOI") released September 19, 1996, in the above-captioned matter.

This NOI represents an initial step by the Commission towards implementing Section 255 of the Communications Act, added by the Telecommunications Act of 1996 (the "Act"). Section 255(b) requires that a manufacturer of telecommunications equipment or customers premises equipment ("CPE") ensure that the equipment is designed, developed and fabricated to be accessible to and usable by individuals with disabilities, if readily achievable. Section 255(c) requires that a provider of telecommunications service ensure that the service is accessible to and

<sup>1</sup> New York Telephone Company and New England Telephone and Telegraph Company.

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usable by individuals with disabilities, if readily achievable. If the accessibility requirements of Section 255(b) and (c) are not readily achievable, Section 255(d) requires the manufacturer or telecommunications provider to ensure that the equipment or service is compatible with existing peripheral devices or specialized CPE commonly used by individuals with disabilities to achieve access, if readily achievable. Section 255(d) further requires that guidelines for the accessibility of equipment, including CPE, are to be developed within eighteen months after enactment of the Act, by the Architectural and Transportation Barriers Compliance Board (“Access Board”)<sup>2</sup> in conjunction with the FCC.

As noted by the Commission, the principal objective of the NOI is to develop a record to meet the Access Board’s request for assistance in the development of accessibility guidelines for equipment and CPE. The Commission also seeks comment on how the Commission can best work in conjunction with the Access Board on equipment issues, and on issues involving services and equipment aspects that overlap and coverage.<sup>3</sup>

As a leader in advancing towards accessible and universally designed telecommunications services, NYNEX commends the Commission for launching this proceeding, in which NYNEX is pleased to contribute. NYNEX shares the Commission’s goal of ensuring that persons with disabilities, as well as all other Americans, are given the opportunity to participate fully in, and to enjoy and utilize the benefits of the telecommunications

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<sup>2</sup> The Access Board is an independent Federal agency established by Section 502 of the Rehabilitation Act of 1973, as amended, whose primary mission is to promote accessibility for individuals with disabilities.

<sup>3</sup> NOI ¶ 4.

infrastructure that has come to play such a prominent role in the Nation's cultural, educational, social, political and economic life.<sup>4</sup>

## **II. NYNEX IS COMMITTED TO DEVELOPING ACCESSIBLE AND UNIVERSALLY DESIGNED TELECOMMUNICATIONS SERVICES**

NYNEX is taking a leadership role in helping the telecommunications industry meet the requirements of the Telecommunications Act of 1996 in terms of accessibility. NYNEX has appointed an Accessibility and Universal Design Issue Champion (a NYNEX Officer) to spearhead this effort by overseeing the implementation of the NYNEX Universal Design Principles and representing NYNEX on the Telecommunications Access Advisory Committee ("TAAC").

NYNEX is committed to our core value of caring for the individual and carrying through on that value to assure that all consumers, including persons with disabilities, participate and benefit in the information age. This is reflected in NYNEX's establishment of the NYNEX Center for Individuals with Disabilities, our participation in the New York Universal Design Committee, and our support for NYNEX employee organizations including the Disabilities Support Organization and Disabilities Information Access Link ("DIAL").

The Center for Individuals with Disabilities provides a one-stop shopping center making available NYNEX products and services to residence customers with disabilities. The Center also provides various assistance to customers in obtaining adaptive equipment. The Universal Design Committee, consisting of 27 disability advocates, recommends accessibility and universal design solutions to NYNEX. NYNEX also meets regularly with Consumer Advisory Councils,

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<sup>4</sup> See NOI ¶ 44.

which, like the Center for Individuals with Disabilities and the Universal Design Committee, brings grassroots information to NYNEX on a wide range of issues, including issues specific to individuals with disabilities. For example, relevant NYNEX marketing organizations are working with the above-referenced Center and Committee to effect some immediate advancements, such as Braille calling cards and NYNEX RingMate Service<sup>SM 5</sup> for deaf or hard of hearing individuals.

The NYNEX Accessibility and Universal Design Issue Champion is overseeing the implementation of the following NYNEX Universal Design Principles:

1. NYNEX will provide quality services that can reasonably accommodate a broad range of diverse users, including individuals with disabilities.
2. NYNEX will review its existing services to determine which services should be made more accessible.
3. NYNEX will design and develop its services, to the extent readily achievable, so as to be accessible to a broad range of diverse users.
4. NYNEX will market and provision its services in a manner consistent with accessibility by a broad range of diverse users.
5. NYNEX will employ these Universal Design Principles NYNEX-wide, in its relationships with customers, employees, shareholders, and suppliers. NYNEX will encourage companies related to but not wholly owned by NYNEX to adopt these Principles.

Presentations were made by NYNEX explaining the Principles to the Consumer Advisory Panel (Massachusetts), the Consumer Advisory Council (New York), and the Universal Design Committee (New York) asking for feedback. The responses were overwhelmingly positive. A

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<sup>5</sup> RingMate provides a customer with up to three numbers on one line, all with distinctive ringing patterns. For the deaf or hard of hearing, in lieu of a distinctive ringing pattern, a viable option could be a flashing light.

number of consumer representatives from each of the three groups expressed hope that the Principles will actively be implemented.

The Universal Design Principles Team in NYNEX is implementing the Universal Design Principles throughout the NYNEX Marketing organization in conjunction with the New York Universal Design Committee by developing: 1) an existing product accessibility audit; 2) a new universal design product development process; 3) a customer service accessibility audit; 4) corporate sourcing supplier universal design guidelines; 5) an accessibility and universal design training video; 6) secondary and primary market research studies of the size and needs of individuals with disabilities customer segment; and 7) close-captioning and inclusive advertising.

NYNEX will share the Universal Design Principles and utilize the actions and outcomes of the Universal Design Principles Team as examples that can be incorporated into guidelines for the telecommunications industry to create accessible and universal designed products and services.

### **III. NYNEX SUPPORTS THE ACCESS BOARD'S DEVELOPMENT OF ACCESSIBILITY GUIDELINES FOR TELECOMMUNICATIONS EQUIPMENT AND CPE**

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The NYNEX Accessibility and Universal Design Issue Champion has been appointed to the TAAC of the Access Board, and is contributing to the TAAC's development of federal accessibility guidelines for telecommunications equipment and CPE. NYNEX commends this Access Board/TAAC effort.

The TAAC was formed in June 1996 as a result of the Act's requirement that the Access Board, in conjunction with the FCC, work with the telecommunications industry and disabilities

advocates to develop guidelines within eighteen months of enactment. In order to facilitate industry and disabilities advocate participation, the Access Board formed and charged the TAAC with developing recommendations within six months. The guidelines to be developed by the Access Board would govern equipment manufacturers and the FCC would be responsible for providing any necessary guidance to service providers.

The TAAC is currently comprised of the following two subcommittees with NYNEX representation on each:

1. **Guidelines** to develop the criteria and internal processes manufacturers would utilize to ensure that their products and services are fully accessible and usable by individuals with disabilities.
2. **Compliance** to develop the external processes manufacturers would utilize to ensure that their products are in compliance with the above guidelines and are thus fully accessible and usable.

NYNEX's participation in the TAAC to date has helped NYNEX better understand the issues surrounding accessibility and how we can contribute to the industry's progress in this area.<sup>6</sup> As discussed infra, the key issues revolve around guidelines and compliance.

#### **IV. NYNEX OFFERS SEVERAL RECOMMENDATIONS ON ACCESSIBILITY BASED ON THE CLOSE LINKAGE OF EQUIPMENT AND SERVICES**

NYNEX supports the development by the TAAC/Access Board of performance-based guidelines which will allow the industry to assess whether or not a product has the functionality

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<sup>6</sup> Concurrent with the TAAC's work, NYNEX is an active member of the FCC's Network Reliability and Interoperability Council which is addressing issues related to implementation of Section 256 of the Act, "Coordination for Interconnectivity." One task of the Council is to determine if the existing standards-setting processes address interconnection needs, including those associated with network capabilities and services accessible by individuals with disabilities.

necessary to be fully accessible. Performance-based guidelines allow the industry the opportunity to quickly and more efficiently introduce accessible products. Examples of performance-based or functionality guidelines from the Trace Research and Development Center<sup>7</sup> include:

- Can the product be used without requiring a user to look at it or to have vision?
- Can the product be used if a user cannot hear it or if the user cannot hear?
- Can the product be used if a user has poor speech or no speech ability?
- Can the product be used by a user who has a severely restricted reach or cannot reach at all?
- Can the product be used by a user who has very poor memory or no memory?

NYNEX strongly believes that the development of accessibility guidelines for telecommunications services is inextricably linked to the development of accessibility guidelines for telecommunications equipment and CPE.<sup>8</sup> Given this linkage, NYNEX believes Universal Design Principles such as the Principles adopted by NYNEX can become an integral part of accessibility guidelines for service providers and manufacturers. In our view, the Principles address issues of relevance to both service providers and manufacturers of equipment and CPE. Furthermore, the Principles are very useful for telecommunications service providers in that they

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<sup>7</sup> The Trace Center is a Rehabilitation Engineering Research Center located at the Waisman Center and the Department of Industrial Engineering at the University of Wisconsin-Madison. Trace is part of the network of Rehabilitation Engineering Research Centers supported by the National Institute on Disability and Rehabilitation Research ("NIDRR") of the U.S. Department of Education. Trace is also part of the University Affiliated Programs ("UAPs") at the Waisman Center. The UAPs are a network of disability-related programs funded by the Maternal and Child Health Bureau, and the U.S. Department of Health and Human Services.

<sup>8</sup> See NOI ¶ 35.

guide efforts from the design and development of a new service to the delivery and post-sale support of the service. The Principles translate into meaningful accessibility.

NYNEX further adds to the Principles, and challenges all service providers to adopt along with the Principles: (i) its commitment to making all marketing communications with customers accessible; (ii) its commitment to address the requirements of all customers, including senior citizens and individuals with disabilities, in marketing training programs and other training programs and in relevant practices and procedures; (iii) its commitment to working closely with suppliers in order to bring customers accessible solutions and equipment; and (iv) the appointment of a meaningful, company-wide Accessibility Champion.

NYNEX recommends that the FCC incorporate the TAAC guidelines into any enforcement activities the FCC undertakes. Consumers, manufacturers and service providers would all benefit from the FCC utilizing a known, consistent set of guidelines. Manufacturers and service providers would have a known set of requirements to use in conducting their business, and consumers would have a known set of expectations for equipment and service.

Further, as a method of ensuring compliance, NYNEX recommends that all service and equipment providers prepare and make available to the FCC and public an Annual Accessibility Assessment Statement, which documents (a) efforts undertaken to implement accessibility guidelines, and (b) contributions made to the standards process for the development of accessible telecommunications standards and requirements.

The benefits of this approach would be to monitor compliance, include evaluation by key stakeholders, provide for evolution of technology, ensure parity across the industry, allow the quicker introduction of accessible products, and integrate industry interoperability standards.



V. **CONCLUSION**

NYNEX, assuming a leadership role in the area of telecommunications accessibility and universal design, offers the above recommendations to enable telecommunications-equipment manufacturers and service providers to develop effective solutions to accessibility in a consistent manner across the industry.

Respectfully submitted,

The NYNEX Telephone Companies

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